

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case no.: 3:11-cr-00337-007
	)	
EVELYN CHANTELL LaCHAPELLE,	)	
	)	
Defendant.	)	

**NOTICE OF INELIGIBILITY FOR SENTENCE REDUCTION PURSUANT  
TO 18 U.S.C. § 3582 AND SENTENCING GUIDELINES AMENDMENT 782**

After reviewing Defendant Evelyn Chantell LaChapelle’s (“LaChapelle”) case, it appears she is ineligible for a sentence reduction pursuant to 18 U.S.C. § 3582, Sentencing Guidelines §1B1.10, and Amendment 782. In support of this Notice, undersigned counsel submits to the Court the following:

1. On October 18, 2013, LaChapelle was convicted of Conspiracy to Distribute Marijuana (21 U.S.C. §§ 841(b)(1)(A) and 846) (Count 1); Sell, Distribute, or Dispense Marijuana (18 U.S.C. § 1956(h)) (Count 2); and Structuring Transactions to Evade Reporting Requirements (31 U.S.C. §§ 103.11, 103.22, 5324(a)(), and 5324 (d)(1)) (Count 4). At sentencing on May 6, 2015, the Court determined that the Base Offense Level was 30. See (doc. 551), at ¶ I(B)(1) (Statement of Reasons). The Total Offense Level was 36. Combined with a Criminal History Category of I, this produced a Guidelines range of 188 to 235 months. The Court varied downward six levels, upon the government’s motion, and imposed a sentence of 87 months’ imprisonment.

2. Amendment 782 serves to reduce retroactively, by two levels, the base offense level for any defendant convicted and sentenced prior to August 1, 2014. LaChapelle was sentenced on May 6, 2015. As a result, she already received the benefit of Amendment 782 at her original sentencing hearing. LaChapelle's Guidelines range has not changed since the date of her sentencing, and therefore she is ineligible for any reduction to her sentence under § 3582.

3. Moreover, even if Amendment 782 has subsequently reduced LaChapelle's Guidelines range, she would be ineligible for a sentence reduction because the Court varied below her original Guidelines range. Amendment 782 only authorizes a court to reduce a sentence below the low-end of an amended Guidelines range if, and only if, the government has previously filed a motion for downward departure under 18 U.S.C. § 3553(e) or U.S.S.G. § 5K1.1. The government did not do so in this case; it simply made a motion for a downward variance at sentencing when considering the factors under 18 U.S.C. § 3553(a), and the Court accepted that motion.

4. For these reasons, counsel respectfully submits that LaChapelle is ineligible for any reduction to her sentence under Amendment 782.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 16, 2017, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon Assistant United States Attorney Amy Ray.

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